

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination on the Executive Calendar: Calendar No. 166.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements relating to the nomination be printed in the RECORD, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I am happy that this judge is being approved. We are certainly willing to cooperate when we can. I just wanted to briefly respond to the comment of the distinguished majority whip that the system is broken and we have had to have cloture votes on two judges. My math may be off either way, but I think this is the 123rd judge who will have been approved in a matter of a few seconds: 123 during this administration; 2 have been, in effect, turned down—there is still debate going on on those two—123 to 2.

Statistics show this is the lowest number of vacancies since, I believe, 1959. I could be wrong. But there are a significant number of judges we have approved—as I said, 123.

I understand the seriousness of the feelings of people regarding Miguel Estrada and Priscilla Owen. But looking at the other side of the picture, 123 to 2 is not bad.

I withdraw any objection I might have laid on the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

THE JUDICIARY

Patricia Head Minaldi, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Mr. MCCONNELL. Mr. President, we have had this debate many times. What is new is that the filibuster is being used to defeat judicial nominations for the first time in history. Cloture has been used occasionally for the purpose of advancing a nomination, not for defeating it. We do have two nominees who were found unanimously well qualified by the ABA and they are, in effect, being denied an up-or-down vote. If that is what is different, then that is what is producing alarm on our side of the aisle. Of course, we have had that debate many times. Tonight is probably not the time to have it again.

Mr. REID. Mr. President, I simply say that having been in the majority and the minority on a number of occasions, what comes around goes around. We have to appreciate the fact that sometimes we control the Senate. Hopefully, not too long from now—but one never knows—we will be back in control. Someday, there will, again, be a Democratic President. Everybody should understand that what we do here is not for the moment but also for the future.

As I have said, we try to be as cooperative as we can. Sometimes we are not as cooperative as some wish we would be.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, MAY 7, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Wednesday, May 7. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12 noon, with the time equally divided between the two leaders or their designees, and that statements be limited to 10 minutes each.

I further ask unanimous consent that at 12 noon the Senate proceed to executive session and begin consideration of Executive Calendar No. 6, the NATO expansion treaty, as provided under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period of morning business until noon. Following morning business, the Senate will begin consideration of the NATO expansion treaty. Under the previous order, the Senate will debate the treaty and dispose of all amendments during tomorrow's session.

I advise my colleagues that rollcall votes are expected in relation to the two amendments to the resolution of ratification. The Senate will not vote on the adoption of the resolution of ratification until Thursday morning at 9:30.

As a reminder, cloture motions were filed on the nominations of Priscilla Owen and Miguel Estrada. This will be the second attempt to cut off a filibuster on the Owen nomination and our sixth effort with respect to Miguel Estrada. Cloture votes on Owen and Estrada will occur during Thursday's session.

In addition, I inform all Members that work continues in an effort to clear several items for floor action. These items are under discussion, including the State Department authorization bill, the bioshield bill, the air cargo security legislation, the FAA reauthorization bill, the FISA legislation, and several judicial nominations. Therefore, Members should anticipate additional votes during tomorrow's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:54 p.m., adjourned until Wednesday, May 7, 2003, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 2003:

NATIONAL INSTITUTE OF BUILDING SCIENCES

MORGAN EDWARDS, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2005, VICE MARY ELLEN R. FISE, TERM EXPIRED.

DEPARTMENT OF LABOR

HOWARD RADZELY, OF MARYLAND, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR, VICE EUGENE SCALIA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL M. DUNN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8069:

To be major general

BRIG. GEN. BARBARA C. BRANNON, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEITH B. ALEXANDER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICARDO S. SANCHEZ, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. BRIAN L. TARBET, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate May 6, 2003:

THE JUDICIARY

CECILIA M. ALTONAGA, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

PATRICIA HEAD MINALDI, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.